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February 17, 2021

Via ECF

MEMO ENDORSED

Hon. Lewis A. Kaplan
U.S. District Court, S.D.N.Y.
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

Re: *Quirk v. Katz, et al.*, No. 20-cv-09910 (LAK)

Dear Judge Kaplan:

The Office of the Attorney General of the State of New York ("Office") represents Defendants Eric Katz, Honorable Brad Hoylman ("Senator Hoylman"), Honorable Lawrence K. Marks ("CAJ Marks"), and Honorable Janet DiFiore ("Chief Judge DiFiore") (collectively, "Defendants") in this action.

Defendants intend to file a motion to dismiss by the March 16, 2021 deadline to do so.¹ Defendants respectfully request that Your Honor stay discovery in this action pending determination of Defendants' forthcoming motion. Counsel for Plaintiff Dennis Quirk ("Plaintiff") has declined to consent to this request. The Court has discretion to stay discovery for "good cause" pending resolution of a motion to dismiss pursuant to Fed. R. Civ. P. 26(c)(1). "This rule is often invoked to avoid potentially expensive and wasteful discovery during the pendency of a determination which could potentially reshape [or dismiss] pending claims." *Gillard v. Rovelli*, No. 12-CV-0083, 2013 WL 5503317, at *15 (N.D.N.Y. Sept. 30, 2013).²

Overview of Plaintiff's Claims

Plaintiff is a court officer employed by the New York State Unified Court System ("UCS") who serves as the President of the New York State Court Officers Association, a labor union representing approximating 1,500 court officers. Amended Complaint, ECF No. 20 ("Am. Compl.") at ¶¶ 3-6, 12-13. Prior to the commencement of this action, he made "public objections"

¹ Your Honor recently so-ordered a stipulation between the parties extending Defendants' deadline to that date, but it has not yet been uploaded to the ECF docket.

² All legal citations herein omit quotations, brackets, ellipses, and internal citations.

Memorandum Endorsement

Quirk v Katz, 20-cv-9910 (LAK)

The letter motion to stay discovery pending the disposition of defendants' proposed motion to dismiss is granted, the ruling without prejudice to a motion by plaintiff after the filing of defendants' motion to vacate the stay in whole or in part.

SO ORDERED.

Dated: February 22, 2021

A handwritten signature in black ink, appearing to read "Lewis A. Kaplan", is written over a horizontal line.

Lewis A. Kaplan
United States District Judge